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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/385,671	08/27/1999	CHARLES ERIC HUNTER	WT-1	9516

23377 7590 02/11/2005

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EXAMINER

DINH, DUNG C

ART UNIT PAPER NUMBER

2152

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/385,671

Applicant(s)

HUNTER, CHARLES ERIC

Examiner

Dung Dinh

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,5-9,16,29-35 and 48-51 is/are pending in the application.
- 4a) Of the above claim(s) 17 and 64 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,5-9,16,29-35 and 48-51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 2152

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments filed 9/20/04 have been fully considered but they are moot in view of the ground of rejection.

Applicant has withdrawn claims 17 and 64.

Claims 1, 5-9, 16, 29-35, 48-51 are now present for examination.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.*

**Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Russo US patent 5,619,247 and further in view of Walters et al. US patent 5,440,334.**

As per claim 1, Russo teaches a method of distributing movies comprising:

Art Unit: 2152

transmitting plural movies to plural customer households  
[inherent];

permitting the customer to record and playback any of the  
recorded movies [col.4 to col.5];

recorded music selections [col.7 line 56 "audio program"];  
communicating playback information to a central controller  
system and using the information for billing the customer for only  
the movies that are played back for viewing [col.5 lines 1-5,  
col.6 lines 25-32].

Russo does not teach a system where the movies are  
transmitted faster than real-time to the customers. In similar  
field of invention, Walters teaches that it is advantageous to  
compress video and audio programs in time-compressed format so as  
to enable transmission of the program faster than real-time to the  
customer for storage [see col.2 lines 12-27, col.7 lines 8-14].  
Hence, it would have been obvious for one of ordinary skill in the  
art to combine the teaching of Walters with Russo for the many  
advantageous as discloses by Walters. (See Walters col. 7 lines 8  
to 60).

As per claim 16, Russo teaches using satellite [col.6 line  
16].

Art Unit: 2152

**Claim 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo and Walters, and further in view of Rabowsky US patent 6,141,530.**

As per claim 5, Russo and Walters do not teach encoding the movies with data permitting playback only on device with compatible decoding means. However, in similar field of movie transmission, Rabowsky teaches Control Assess System so as to permit only authorized playback (see col.6 lines 5-23, col.6 line 58 to col.7 line 4). Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of Rabowsky with Russo and Walters because it would have improved the security of the system and reduced pirating.

**Claims 6-9, 29-35, 48-51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Russo, Walters and Rabowsky, and further in view of Banker et al. US patent 6,005,938.**

As per claim 6, Russo as modified does not teach encoding the movie with a time-based code keys. In similar field of invention, Banker teaches a method of encryption including encrypting with time-based code keys and transmitting keys to the users to enable playback at during certain period of time and prevent authorized uses (see Abstract, fig.2, col.1 lines 37-63, col.4 lines 7-53).

Art Unit: 2152

Hence, it would have been obvious for one of ordinary skill in the art to combine the teaching of Banker to Russo to encode the movie with a time-based code keys because it would have improved the security of the system.

As per claim 7, Russo combined with Banker teaches transmit a correlated key B to all customers and a time-based key C that are provided to customers who are in good standing. See Banker col.6 lines 55-68 and Russo col.6 lines 15-21, 50-53.

As per claim 8, Russo teaches communicate playback information to the central controller when time based code C are provided (col.6 lines 25-27).

As per claim 9, Russo teaches using phone/modem to communicate to the central controller (fig.2 #140).

As per claims 29-35, and 48-51 they are rejected under similar rationale as for claims 1 + 6-8 above.

### **Conclusion**

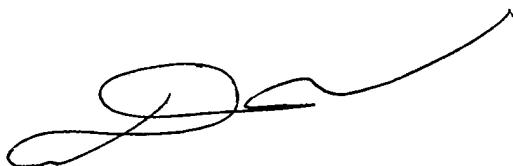
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dung Dinh whose telephone number is (571) 272-3943. The examiner can normally be reached on Monday-Thursday from 7:00 AM - 4:30 PM. The examiner can also be reached on alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached at (571) 272-3949.

Art Unit: 2152

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Dung Dinh', with a long, sweeping horizontal line extending to the right.

Dung Dinh  
Primary Examiner  
February 4, 2005